

CUSTOMER NO.: 24498**Serial No. 09/898,150**

Response to Office Action dated 1/10/08

Response dated: 05/02/08

**PATENT
PD000032****REMARKS**

In the Office Action, the Examiner noted that claims 22-25, 27, 31-35, 37 and 38 are pending in the application and that claims 22-25, 27, 31-35, 37 and 38 stand rejected. By this response, claims 22 and 31 are amended to more clearly define the invention of the Applicant and not in response to prior art.

In view of the amendments presented above and the following discussion, the Applicant respectfully submits that none of these claims now pending in the application are rendered obvious under the provisions of 35 U.S.C. § 103. Thus the Applicant respectfully submits that all of these claims are now in allowable form.

Rejections**A. 35 U.S.C. § 103**

The Examiner rejected claims 22-24, 27, 31-35 and 37-38 under 35 U.S.C. 103(a) as being unpatentable over Bakx (U.S. Patent No. 5,072,435) in view of Okazaki et al. (U.S. Patent No. 5,831,947, hereinafter "Okazaki") and further in view of Shim (U.S. Patent 6,608,804). The rejection is respectfully traversed.

Regarding claim 22, the Examiner alleges that Baks teaches a method for reducing an initialization time of an apparatus for reading from and/or writing to an optical recording medium, the optical recording medium having identification information data which enables the identification of the optical recording medium including all of the aspects of the Applicant's claim except that Baks does not teach the specific adjustment values associated with track or focus control. As such the Examiner cites Okazaki for teaching the tracking or focus control of the Applicant's invention and specifically claim 22. The Examiner further concedes though that the combination of Baks and Okazaki fail to teach wherein a burst cutting area (BCA) data present on the optical media is used as the identification data of the optical recording media. As such the Examiner cites Shim for teaching wherein a burst cutting area (BCA) data present on the optical media is used as the identification data of the optical recording media of the Applicant's claim 22. The Applicant respectfully disagrees.

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The Applicant respectfully submits that the teachings of Bakx, Okazaki and Shim, alone or in any allowable combination, absolutely fail to render obvious at least the Applicant's amended claim 22, which specifically recites:

"A method for reducing a read initialization time of an apparatus for reading from an optical recording medium, said optical recording medium having identification data which enables the reading identification of the optical recording medium individually among at least optical recording media of the same type, the method comprising:

detecting, from an optical recording medium inserted into said apparatus, the identification data of the optical recording medium;

identifying the optical recording medium among at least optical recording media of the same type;

determining if, for the identified optical recording medium, adjustment parameter values selected from focus gain, focus offset, track gain, track offset, and HF gain are accessibly stored for said apparatus;

in response to identifying that the adjustment parameter values are accessibly stored for said apparatus, setting tracking or focus control and regulating circuits of said apparatus in accordance with the stored adjustment parameter values; and

in response to determining that the adjustment parameter values for the identified optical recording medium are not accessibly stored, initializing said apparatus to determine respective adjustment parameter values selected from focus gain, focus offset, track gain, track offset, and HF gain such that said apparatus is able to optimally read from the identified optical recording medium, and respectively storing said determined adjustment parameter values for said apparatus and the corresponding identification data of said identified optical recording medium;

wherein the content of a burst cutting area data area on the recording medium is used as the identification data,

wherein detecting the identification data comprises coarsely focusing an objective lens of the apparatus and displacing an optical scanner of the apparatus into a position which is predetermined for the burst cutting area data area; and

wherein the identification data is detected without track regulation."

Amended, independent claims 22 and 31 have been amended to more specifically claim setting tracking or focus control and regulating circuits of the apparatus in accordance with stored adjustment parameter values selected from focus gain, focus offset, track gain, track offset, and HF gain such that the apparatus is able to optimally read from an identified optical recording medium. In the Applicant's invention and as clear from at least the amended portions of the Applicant's claims, the "initialization time" of the claims is actually a "reading initialization time". As such,

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the Examiner statements about Bakx' writing parameters and the read/write head being or not being optimally adjusted fail to teach, suggest or make obvious a method and apparatus for reducing a read initialization time of an apparatus as taught and claimed by the Applicant.

In addition, the Applicant has amended the Applicant's independent claims to teach and claims that not only does the identification data allow to individually identify a disk, but it actually is individual identification that is being performed with the identification data. The Applicant makes this distinction to counter the Examiner's interpretation that an information "allows" something to be done therewith, does actually not imply that this "something" is actually being done!

The Applicant again reiterates hereafter the previous arguments to the Examiner's rejection. That is in one embodiment of the Applicant's invention of claims 22, 31 and 38, in response to identifying that adjustment parameter values selected from focus gain, focus offset, track gain, track offset, and HF gain are accessibly stored for said apparatus, setting tracking or focus control and regulating circuits of the apparatus in accordance with the stored adjustment parameter values. Alternatively, in response to determining that the adjustment parameter values are not accessibly stored, the apparatus is initialized to determine respective adjustment parameter values selected from focus gain, focus offset, track gain, track offset, and HF gain such that the apparatus is able to optimally read from the identified optical recording medium. The amendments for the Applicant's independent claims are supported throughout the Applicant's Specification and specifically on page 4, lines 22-27.

The Applicant respectfully submits that Bakx does not disclose a method for reducing an initialization time of an apparatus for reading from an optical recording medium, said optical recording medium having identification data which enables the identification of the optical recording medium individually among at least optical recording media of the same type, the method comprising steps of detecting, from an optical recording medium inserted into said apparatus, the identification data of the optical recording medium, to identify the optical recording medium; determining if adjustment parameter values selected from focus gain, focus offset, track gain, track offset, and HF gain are accessibly stored for said apparatus; and in response to identifying that the adjustment parameter values are accessibly stored for said

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apparatus, setting tracking or focus control and regulating circuits of said apparatus in accordance with the stored adjustment parameter values as claimed by at least the Applicant's amended, independent claims.

In the Office Action, much of Examiner's argument on p 10 lines ~14 seems to hinge on the adjustment parameter "light intensity", of which the Examiner states that it also directly influences the ability to read, and hence constitutes a parameter associated with parameters values for reading. The Applicant respectfully disagrees. Even if the Applicant agreed with the Examiner, light intensity as pointed out and relied on by the Examiner still absolutely fails to teach, suggest or make obvious at least a method comprising steps of detecting, from an optical recording medium inserted into said apparatus, the identification data of the optical recording medium, to identify the optical recording medium; determining if adjustment parameter values **selected from focus gain, focus offset, track gain, track offset, and HF gain** are accessibly stored for said apparatus; and in response to identifying that the adjustment parameter values are accessibly stored for said apparatus, setting tracking or focus control and regulating circuits of said apparatus in accordance with the stored adjustment parameter values as claimed by at least the Applicant's amended, independent claims.

The Applicant continues to submit that in contrast to the invention of the Applicant, Bakx teaches an information recording device [Abstract, (column/line) (1/13-14)], aiming at improved writing adjustment [(1/35-37)]. In all of Bakx, adjustment parameters relate to a driver circuit, which converts the recording signal to a drive signal for a read/write head in such a way that an information pattern is recorded [(3/34-39) (12/66)]. More than that, Bakx suggests away from the subject-matter claimed in our application, by stating:

"the information pattern (...) can be read by scanning the pattern with a read beam of a constant intensity, which is low enough to preclude a detectable change in optical properties (7/62-66) "the modulation of the read beam can be detected in a customary manner" (8/1-2), "the read circuit 9 comprises an EFM demodulator 114 of customary type" (11/12-13), "read/write head is set to the read mode" (11/66-67), (12/35-36). Other than that, Bakx is silent about the process of reading.

Nowhere does Bakx disclose or suggest, that the process of reading or of becoming ready to read depends on any adjustment parameters, let alone adjustment values

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selected from focus gain, focus offset, track gain, track offset, and HF gain as taught in the Applicant's Specification and claimed by at least the Applicant's amended, independent claims. Bakx also does not contain any motivation to reduce the initialization time of an apparatus for reading.

The Applicant further submits that the teachings of Okazaki absolutely fail to bridge the substantial gap between the invention of the Applicant and the teachings and invention of Bakx. That is, **Okazaki** does not disclose a method for reducing an initialization time of an apparatus for reading from an optical recording medium, said optical recording medium having identification data which enables the identification of the optical recording medium individually among at least optical recording media of the same type, the method comprising steps of detecting, from an optical recording medium inserted into said apparatus, the identification data of the optical recording medium, to identify the optical recording medium; determining if **adjustment parameter values selected from focus gain, focus offset, track gain, track offset, and HF gain** are accessibly stored for said apparatus; and in response to identifying that the adjustment parameter values are accessibly stored for said apparatus, setting tracking or focus control and regulating circuits of said apparatus in accordance with the stored adjustment parameter values as claimed by at least the Applicant's amended, independent claims. Instead and in contrast to the invention of the Applicant, in Okazaki, detecting the identification data of the optical recording medium is performed by receiving it from external host computer (100 in Fig. 4), (8/14-16), (200 in Fig 7), (11/45-47). Nowhere does Okazaki disclose or suggest an identification data being detected from an optical recording medium.

The Applicant further submits that the teachings of Shim also fail to bridge the substantial gap between the teachings of Bakx and Okazaki and the invention of the Applicant. That is, the teachings of Shim for a disk having unique code for identifying its type for optical disk player and method for discriminating types thereof fail to bridge the gap between the teachings of Bakx and Okazaki and the invention of the Applicant. That is, **Shim** does not disclose a method for reducing an initialization time of an apparatus for reading from an optical recording medium, said optical recording medium having identification data which enables the identification of the optical recording medium individually among at least optical recording media of the same type, the method comprising steps of detecting, from an optical recording medium

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inserted into said apparatus, the identification data of the optical recording medium, to identify the optical recording medium; determining if adjustment parameter values selected from focus gain, focus offset, track gain, track offset, and HF gain are accessibly stored for said apparatus; and in response to identifying that the adjustment parameter values are accessibly stored for said apparatus, setting tracking or focus control and regulating circuits of said apparatus in accordance with the stored adjustment parameter values as claimed by at least the Applicant's amended, independent claims.

Instead and in contrast to the invention of the Applicant, Shim merely teaches a BCA (Burst Cutting Area) code including a unique disk code indicating the type of a disk is written in a BCA code area of the disk. In Shim, if the disk is mounted into the optical disk player, the optical disk player reads data written in the BCA code area, extracts the disk code contained in the read data, and confirms the type of the disk corresponding to the extracted disk code by retrieving a disk code table in which disk codes corresponding to the types of disks are mapped.

Therefore, the Applicant submits that for at least the reasons recited above the Applicant's independent claim 22 is not rendered obvious by the teachings of Bakx, Okazaki and Shim alone or in any allowable combination, and, as such, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

Likewise, independent claims 31 and 38 recite similar relevant features as recited in the Applicant's independent claim 22. As such, the Applicant submits that for at least the reasons recited above independent claims 31 and 38 are also not rendered obvious by the teachings of Bakx, Okazaki and Shim, alone or in any allowable combination, and also fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

Furthermore, dependent claims 23-24, 27 and 32-35 depend either directly or indirectly from independent claims 22 and 31 and recite additional features therefor. As such and for at least the reasons set forth herein, the Applicant submits that dependent claims 23-24, 27 and 32-35 are also not rendered obvious by the teachings of Bakx, Okazaki and Shim alone or in any allowable combination. Therefore the Applicant submits that dependent claims 23-24, 27 and 32-35 also fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

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The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

B. 35 U.S.C. § 103

The Examiner rejected claim 25 under 35 U.S.C. 103(a) as being unpatentable over Bakx (U.S. Patent No. 5,072,435) in view of Okazaki et al. (U.S. Patent No. 5,831,947, hereinafter "Okazaki") and Shim (U.S. Patent 6,608,804) and further in view of Scibora (U.S. Patent No. 6,366,544). The rejection is respectfully traversed.

As recited above and for at least the reasons recited above, the Applicant submits that the Applicant's independent claim 22 is not rendered obvious by the teachings of Bakx, Okazaki and Shim alone or in any allowable combination. As such, the Applicant further submits that Bakx, Okazaki and Shim alone or in any allowable combination also fail to teach, suggest or make obvious the Applicant's claim 25, which depends directly from the Applicant's claim 22.

Even further, the Applicant submits that the teachings of Scibora absolutely fail to bridge the substantial gap between the teachings of Bakx, Okazaki and Shim alone or in any allowable combination and the invention of the Applicant at least with respect to the Applicant's claims 22 and 25. That is, Scibora teaches a universal compact disc (CD) player having the ability to decode and play an encoded audio file residing on a CD, regardless of the particular encoding algorithm used to encode the audio file. In fact the Examiner only cites Scibora for teaching a storage means carrier provided externally to an apparatus and that the content of the storage means is accessible by the apparatus. However, the Applicant submits that Scibora absolutely fails to teach, suggest or make obvious a method for reducing an initialization time of an apparatus for reading from an optical recording medium, said optical recording medium having identification data which enables the identification of the optical recording medium individually among at least optical recording media of the same type, the method comprising steps of detecting, from an optical recording medium inserted into said apparatus, the identification data of the optical recording medium, to identify the optical recording medium; determining if adjustment parameter values selected from focus gain, focus offset, track gain, track offset, and HF gain are accessibly stored for said apparatus; and in response to identifying that the adjustment parameter values

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are accessibly stored for said apparatus, setting tracking or focus control and regulating circuits of said apparatus in accordance with the stored adjustment parameter values as claimed by at least the Applicant's amended, independent claims.

Therefore, the Applicant submits that for at least the reasons recited above the Applicant's claim 25 is not rendered obvious by the teachings of Bakx, Okazaki, Shim and Scibora alone or in any allowable combination, and, as such, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

Conclusion

Thus the Applicant submits that none of the claims, presently in the application, are obvious under the provisions of 35 U.S.C. § 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

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Respectfully submitted,

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are accessibly stored for said apparatus, setting tracking or focus control and regulating circuits of said apparatus in accordance with the stored adjustment parameter values as claimed by at least the Applicant's amended, independent claims.

Therefore, the Applicant submits that for at least the reasons recited above the Applicant's claim 25 is not rendered obvious by the teachings of Bakx, Okazaki, Shim and Scibora alone or in any allowable combination, and, as such, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

Conclusion

Thus the Applicant submits that none of the claims, presently in the application, are obvious under the provisions of 35 U.S.C. § 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

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